

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35067

STATE OF IDAHO,)	2008 Unpublished Opinion No. 726
)	
Plaintiff-Respondent,)	Filed: December 3, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
TODD COLTON HAGNAS,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cheri C. Copsey, District Judge.

Judgment of conviction and consecutive determinate sentences of life imprisonment, for two counts of second degree murder, affirmed.

Molly J. Huskey, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Todd Colton Hagnas was indicted by a grand jury on first degree arson and two counts of first degree murder and the state filed a notice of intent to seek the death penalty. Pursuant to a plea agreement, Hagnas pled guilty to two counts of second degree murder, I.C. §§ 18-4001, 18-4002, 18-4003(g), and the state withdrew the notice of intent to seek the death penalty and dismissed the arson charge. The parties stipulated to recommend concurrent fixed life sentences. The district court sentenced Hagnas to a determinate life sentence on each count and ordered the sentences to run consecutively and ordered Hagnas to pay restitution in the amount of \$5,210. Hagnas appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences in ordering the sentences to run consecutively and in ordering him to pay restitution.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d

1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence. Accordingly, Hagnas's judgment of conviction and sentences are affirmed.